AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.994 OF 2003

Smt. Vimladevi Devji Aiya ... Petitioner

Vs.

Canara Bank & Anr. ... Respondents

Mr. G.S. Godbole for the petitioner.

Mr. Pritesh Kubal with Ms. Sandhya Nanavare i/b Mr. M. Janardhanan for the respondents.

CORAM : SMT. RANJANA DESAI, &
D.G. KARNIK, JJ.

DATED : AUGUST 31, 2007.

P.C.:-

1. Mr. Godbole, the learned counsel for the petitioner states that in view of the fact that the validity of the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the said Act") has now been upheld by the Supreme Court, the petition does not survive and the same

has become infructuous. He states that the petitioner does not wish to press the petition.

2. The learned counsel for the respondents states that the symbolic possession of the secured assets has been taken by the respondent-bank. He states that the respondent-bank will issue a fresh notice to the petitioner under section 13(2) of the said Act before taking physical possession. This statement is recorded and accepted. The petition is disposed of as infructuous.

3. Needless to say that in view of the disposal of the petition, the above notice of motion also does not survive and is disposed of as such.

[SMT. RANJANA DESAI, J.]

[D.G. KARNIK, J.]